

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

MINUTES OF CIVIL JURY/NON JURY TRIAL

Presiding Judicial Official JCH Date 2/12/10 Trial Day 10 Case No. 4:07cv270JCH

SEC vs. Gerhardt et al

Parties present for: JURY TRIAL NON JURY TRIAL
 COURT REPORTER: D. Kriegshausen

Attorney(s) for Plaintiff(s) R. Moye, J. Polish, T. Shank
 Attorney(s) for Defendant(s) S. Gashier, J. Martin

Jury impaneled and sworn. Opening Statements of Plaintiff and Defendant made.

Plaintiff's evidence commenced, resumed and but not concluded.

Defendant's evidence commenced resumed and but not concluded.

Plaintiff(s) evidence in rebuttal commenced resumed and but not concluded.

Defendant(s) evidence in surrebuttal commenced resumed and but not concluded.

Oral Written Motion for Judgment as a Matter of Law at the close of pltff's case

filed made/argued by pltf(s) deft(s) and is Overruled/Denied Sustained Court's ruling reserved taken under submission taken with the case.

Closing Arguments of counsel made. Case taken under advisement.

(Simultaneous) briefs due _____ Case is settled. Dismissal papers due _____.

Jury charged and retires to consider its verdict(s) at _____ am/pm Verdict returned at _____ am/pm

Jury having been given a special verdict in the form of written interrogatories for finding of fact, retires to consider its verdict(s) at _____ am/pm Verdict(s) returned at _____ am/pm

Jury unable to agree upon its verdict(s) by _____ am/pm is excused to resume deliberations _____ at _____ am/pm The Court declares a MISTRIAL. Trial is reset _____.

On motion of plaintiff defendant Court the jury is polled.

Proceedings to continue _____ at _____ am/pm

Judgment is entered accordingly this date.

Court Grants deft's MTW for Judgment
 as a Matter of Law -
 Complaint Dismissed. Jurors excused.

PROCEEDINGS COMMENCED 9:05 CONCLUDED: 9:25